AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A method comprising:

measuring communication performance between a first communication device and a second communication device in a radio communication system, the radio communication system having a first communication frequency band, a second communication frequency band, and a guard band between the first and second communication frequency bands;

determining that the measured communication performance exceeds a performance threshold;

based on the determination, assigning a first band-edge channel to carry communications between the first communication device and the second communication device, the first band-edge channel being a communication channel within the guard band; and

the first communication device transmitting a first signal for reception by the second communication device via the first band-edge channel.

2. (Currently Amended) The method of claim [[22]] 1, further comprising:

the first communication device receiving a second signal transmitted by the second communication device, the second signal being transmitted at or below [[the]] a reduced power level that is below a first predefined maximum system transmission power level.

3. (Currently Amended) The method of claim 1, further comprising:

the first communication device receiving a second signal transmitted by the second communication device, the second signal [[the second signal]] being transmitted via the first band-edge channel.

4. (Previously Presented) The method of claim 1, further comprising:

the first communication device receiving a second signal transmitted by the second communication device, the second signal being transmitted via a second band-edge channel.

5. (Currently Amended) The method of claim 2, further comprising:

the first communication device transmitting an indication to the second communication device indicating [[a]] the first predefined maximum system transmission power level to be used by the second communication device.

6. (Currently Amended) The first communication device of claim 24, further comprising:

a power control mechanism to assign a temporary assigned power level for transmitting the first signal, the temporary assigned power level being less than the reduced power level.

7. (Currently Amended) The method of claim 1 further comprising:

determining a minimum level of communication performance for transmitting the first signal; and

selecting, based on the minimum level of communication performance, a temporary assigned power level.

8. (Currently Amended) The first communication device of claim 21, further comprising:

a power control mechanism to assign a temporary assigned power level for transmitting the second signal, the temporary assigned power level being less than the reduced power level.

9. (Previously Presented) The method of claim 2 further comprising:

determining a minimum level of communication performance for transmitting the second signal; and

selecting, based on the minimum level of communication performance, a temporary assigned power level.

10. (Previously Presented) The method of claim 1, wherein measuring communication performance comprises measuring a metric selected from the group consisting of signal-to-noise ratio (SNR), signal-to-interference-noise ratio (SINR), received signal strength indication (RSSI), bit error rate (BER), and frame error rate (FER).

11. (Previously Presented) The method of claim 7, wherein measuring communication performance comprises measuring a metric selected from the group consisting of signal-to-noise ratio (SNR), signal-to-interference-noise ratio (SINR), received signal strength indication (RSSI), bit error rate (BER), and frame error rate (FER).

12. (Currently Amended) The method of claim 1, further comprising:

after transmitting the first signal, determining that interference affecting communication between the first and second communication devices is above a threshold; and

increasing the amount of power used to transmit from the first communication device.

13. (Original) The method of claim 2, further comprising:

after receiving the second signal, determining that interference affecting communication between the first and second communication devices is above a threshold; and

increasing the amount of power used to transmit from the second communication device.

14. (Currently Amended) The method of claim 1 further comprising:

providing [[the]] a first predefined maximum system transmission power level for in-band transmissions from the first communication device to the second communication device;

[[providing]] receiving a second predefined maximum system transmission power level for in-band transmissions from the second communication device [[to the first communication device]]; and

causing the second communication device to transmit at a power level that is below the second predefined maximum system transmission power level.

15. (Original) The method of claim 14, wherein the first communication device comprises a base station and the second communication device comprises a terminal.

16. (Previously Presented) The method of claim 14, wherein the first and second predefined maximum system transmission power levels are equal.

17. (Previously Presented) The method of claim 14, wherein the first and second predefined maximum system transmission power levels are unequal.

18. (Canceled)

19. (Canceled)

20. (Currently Amended) A first communication device comprising:

a processor to determine that communication performance between the first communication device and a second communication device exceeds a performance threshold, and to assign a band-edge channel for communication between the first communication device and the second communication device in response to the determination, the band-edge channel being a communication channel within a guard band, the guard band being a frequency band between a first communication frequency band and a second communication frequency band; and

a transmitter to transmit a first signal for reception by the second communication device via the band-edge channel.

21. (Currently Amended) The first communications device of claim 20, further comprising:

a receiver to receive a second signal transmitted by the second communication device, the second signal being transmitted at or below [[the]] a reduced power level by the second communications device, the reduced power level being less than a predefined maximum system transmission power level.

22. (Currently Amended) The method of claim 1, wherein the first signal is transmitted at a reduced power level that is below a first predefined maximum system transmission power level.

23. (Previously Presented) The method of claim 1, wherein measuring communication performance comprises measuring communication performance at the second communication device and transmitting the measured communication performance to the first communication device.

24. (Currently Amended) The first communication device of claim 20 wherein the first signal is transmitted at a reduced power level that is below a predefined maximum system transmission power level.

25. (Currently Amended) A method comprising:

measuring communication performance between a second communication device and a first communication device in a radio communication system, the radio communication system having a first communication frequency band, a second communication frequency band, and a guard band between the first and second communication frequency bands;

if the measured communication performance exceeds a performance threshold, then receiving an assignment of a band-edge channel to carry communications between the first communication device and the second communication device, the band-edge channel being a communication channel within the guard band; and

receiving a first signal from the first communication device at the second communication device via the band-edge channel.

26. (Previously Presented) The method of claim 25, wherein measuring the communication performance comprises measuring communication performance at the

second communication device and transmitting the measured communication performance to the first communication device.

27. (Currently Amended) The method of claim 25, further comprising receiving a temporary power assignment from the first communication device and transmitting a second signal from the second communication device to the first communication device via the band-edge channel with [[the assigned power]] a power according to the temporary power assignment, the temporary power assignment being lower than a predefined maximum system transmission power level for out-of-band communications.

28. (Currently Amended) The first communication device of Claim 20, wherein the first communication device is one of a base station, a remote terminal, and a terminal in a peer-to-peer network.

29. (New) The method of claim 1, wherein the first communication device comprises a subscriber unit.

30. (New) The method of claim 1, wherein the first communication device transmits the first signal using a W-CDMA standard.

31. (New) The first communication device of claim 20, wherein the first communication device comprises one selected from a cellular handset and a modem.

32. (New) The first communication device of claim 20, wherein the first communication device comprises a subscriber unit.

33. (New) The first communication device of claim 20, wherein the second communication device transmits the first signal using a W-CDMA standard.

34. (New) The method of claim 25, wherein the second communication device comprises a subscriber unit.

35. (New) The method of claim 25, wherein the second communication device transmits the first signal using a W-CDMA standard.

36. (New) A subscriber unit comprising:

a processor of the subscriber unit to determine that communication performance between the subscriber unit and a communication device exceeds a performance threshold, and to assign a band-edge channel for communication between the subscriber unit and the communication device in response to the determination, the band-edge channel being a communication channel within a guard band, the guard band being a frequency band between a first communication frequency band and a second communication frequency band; and

a transmitter of the subscriber unit to transmit a first signal for reception by the communication device via the band-edge channel.

37. (New) The subscriber unit of claim 36, further comprising:

a receiver to receive a second signal transmitted by the communication device, the second signal being transmitted at or below a reduced power level by the communications device, the reduced power level being less than a predefined maximum system transmission power level.

38. (New) The subscriber unit of claim 36, further comprising:

a power control mechanism to assign a temporary assigned power level for transmitting the first signal, the temporary assigned power level being less than the reduced power level.